

APPENDIX A

1995 CLASS II ENVIRONMENTAL ASSESSMENT

6/29/14

CLASS II ENVIRONMENTAL ASSESSMENT
Pemiscot County Port Authority
Rail Line Rehabilitation

I - Project Description and Need:

Name of Applicant and Address:

Pemiscot County Port Authority
610 Ward Avenue
Pemiscot County Courthouse
Caruthersville, MO 63830

II - Project Name:

Rail Line Rehabilitation

III - Location:

The rail line will be located between Hayti and the Pemiscot County Port Authority.

IV - Project Elements:

This project consists of purchasing approximately 43 acres of land to reconstruct a rail line to the Port Authority. About 13 acres will be for rail line right-of-way and 30 A. for a marshalling area.

V - Project Purposes:

This project would provide rail transportation to the businesses located at the Port Authority.

VI - RECD's position on need for the project:

Rural Economic and Community Development's assessment of need is that the rail line is needed to provide an alternate mode of transportation to ship products and to receive supplies. This will lead to additional industries locating at the Port and providing additional jobs for the area.

VII - Project Site:

The Project Site will consist of 13 acres of rail line right-of-way and 30 acres marshalling area. This site is between Hayti and the Pemiscot County Port Authority. The areas of impact to be accessed are important farmland and the flood plain, Exhibit A, B.

VIII - Primary Beneficiaries and Related Activities:

A. Primary Beneficiaries:

The businesses that are located at the Port Authority and the residents of Pemiscot County who may receive employment as a result of this action.

B. Existing and New Businesses:

There are four existing businesses at the Port Authority. This project would also benefit Trinity Shipyard of Caruthersville. Each business would have an alternative means of shipping products and receiving supplies.

IX - Description of Project Area:

A. Project Site:

The major part of the project site is presently used for agricultural production, as well as the surrounding area.

B. Unique or Sensitive Areas:

The project will directly impact important farmland and flood plain. Indirectly it will result in additional employment for Pemiscot County and the surrounding area. (Exhibit A)

X - Environmental Impact:

A. Air quality - This project consists of the purchase of land for a rail line and the rehabilitation of that line. The project is not in the Ozone Nonattainment area. There will be minor air emissions during construction.

B. Water Quality - The project will not effect any known ground water supply or surface water supply. There are no effluents from this project.

- C. Solid Waste Management - There will not be any solid waste from this project.
- D. Land Use - The land is presently in agricultural production. Only the 43 acres will be converted. The rail line will be along section lines so as not to divide properties. The effect on surrounding land should be minimal. The change in land use should not effect any unique or sensitive areas such as hospitals, schools, recreation or residential. The existing land use will not be significantly disturbed. This project will be consistent with planning and zoning.
- E. Transportation - The existing highway is U. S. 84 and county all weather roads. This project will provide an additional means for moving supplies and products and should not cause significant increase in traffic.
- F. Natural Environment - This site is not listed on the National Registry of Natural Landmarks. There are no Natural Landmarks listed in Pemiscot County. The effect on the natural environment due to construction of this project and its operation will be minimal.
- G. Human Population - This proposed project will not cause any relocation of any rural residents of the affected area. It will not have any significant impact on schools, hospitals, water or sewer systems.
- H. Construction - There will be minimal noise from machinery doing construction. The project should have minimal effect on erosion of soil, stream siltation or clearing of trees.
- I. Energy - The energy requirement will be minimal. There will be a need for a railroad crossing light.
- J. Other relevant areas considered - This site is within the New Madrid Fault Zone and is classified as Zone 3. However, in conversation with John Chittendon, P. E., Waters & Associates, on June 18, 1995, he indicated that there is no earthquake design for a railroad. If it required a bridge then some earthquake design would be considered. Consulted with EPA and DNR about hazardous waste sites. There are no sites in the immediate area of the project. (See Exhibit E)

XI - Coastal Zone Management Act:

Not applicable.

XII - Compliance with Advisory Council on Historic Preservation Regulations:

The National Register of Historic Places was checked. There are only four sites in Pemiscot County. The nearest site to the proposed project is the Caruthersville Water Tower (See Exhibit G). This project will have no effect on the Caruthersville Water Tower on W. 3rd Street. Consulted with the State Historic Preservation Officer and received clearance for this project. (See Exhibit F.)

XIII - Compliance with the Wild and Scenic Rivers Act:

Reviewed the Natural Resource Management Guide listing Wild and Scenic Rivers. There are none in the project site area. The proposed project complies with the Wild and Scenic Rivers Act.

XIV - Compliance with the Endangered Species Act:

Consulted with the Missouri Department of Conservation and U. S. Fish and Wildlife. The Missouri Department of Conservation listed three sensitive species in the area. The Bald Eagle may winter in the area. The Pallid Sturgeons may range this far in the Mississippi River and the Interior least terns forage along this stretch of the Mississippi River. However it is the Missouri Department of Conservation's opinion that the proposed project will not adversely impact the listed species. (See Exhibit C.) The U. S. Fish and Wildlife Service indicated that no federally listed or proposed threatened or endangered species occur in the project area of influence. (See Exhibits C & D).

XV - Compliance with Farmland Protection Policy Act. SCS Implementation Rules and Department Regulation 9500-3, Land Use Policy

This proposed project will convert about 43 acres of important farmland. The entire area is in a flood plain and is important farm land and all alternatives would impact both.

The land evaluation and site assessment point system contained in the SCS rule was used to evaluate the site. When the proposed site receives a total score of less than 160 points, no additional sites

need to be evaluated. This site has a total score of 142 points; therefore, no other site needs to be evaluated. However, all other sites were evaluated by SCS and received similar rating with a variance of only four points.

- XVI - Compliance with Executive Order 11988, Floodplain Management, and Executive Order 11990, Protection of Wetland. See Exhibit A, FEMA Flood Plain Map.

According to FmHA Instruction 1940 (AN 2099) a critical action is defined as an action which if located or carried out within a flood plain poses a greater than normal risk for flood-caused loss of life or property. The proposed action should not pose a greater than normal risk for flood caused loss of life or property and is therefore not considered a critical action.

This action will be located in the flood plain because the entire area is mostly flood plain. The area is protected from the Mississippi River by a levee. The impact on the flood plain will only be the raising of the railroad bed above flood stage and this action would not change the nature valve of the flood plain or increase the potential for a flood. Other sites were considered, but all would impact the flood plain. Some of the alternatives could impact two small wetlands. The site chosen would not impact any wetlands. If no action is taken then the potential for 50 jobs is lost.

There are no practical mitigation measures other than the site is the minimum required and the rail line will follow section boundaries so as to not divide fields. The rail line will be raised above the 100 year flood plain.

- XVII - Compliance with Coastal Barrier Resources Act:

Not applicable.

- XVIII- State Environmental Policy Act:

No State Environmental Policy Act.

- IXX - Consultation Requirements of Executive Order 12372 Intergovernmental Review of Federal Programs

Consulted with Lois Pohl, Central Clearinhouse Coordinator, received project clearance. Exhibit H

XX - Environmental Analysis of Participating Federal Agency:

No participating Federal Agency.

XXI - Reaction to Project:

The project has been advertised in the local paper and all Federal or State agencies required have been notified. There has been no negative comment concerning this project.

XXII - Cumulative Impacts:

There will be an impact of a change in land use of approximately 43 acres. The change of land use will be minimal in the overall land use and agricultural system in Pemiscot County. This change will affect less than .001 per cent of the farmland. The impact on the flood plain will be minimal. The possible alternative route or site to bring the rail line to the Port Authority will involve the flood plain. The right-of-way is the minimum required.

XXIII- Adverse Impacts:

The adverse impacts are the impact of changing land use (approximately 43 acres) and the impact on the flood plain. The route chosen would have the least impact on farm land by following section lines.

XXIV - Alternatives:

There were five alternative sites (routes) considered. All routes would impact the important farm land and flood plain. The route selected will utilize the section lines for fields and natural boundaries such as drainage ditches, etc., so the least amount of disruption will result. Alternatives discussed in paragraphs IV through X. There are no alternative designs just alternative routes. There are no alternative projects that will provide similar benefits. If no action then this source of transportation and 50 jobs will be denied the residents of Pemiscot County.

XXV - Mitigation Measures:

- A. The size of the right-of way for the rail line is the minimum required. The route will follow section lines and natural boundaries as much as possible to reduce the disruption to important farmland and the flood plain. Rail line bed will

be raised above the 100 year flood plain. These measures will be included in the Letter of Conditions and applicant's compliance in the Grant Agreement.

XXVI - Consistency with RECD Environmental Policies:

This environmental analysis was conducted according to RECD Instruction 1940-G and the Missouri RECD's Natural Resources Management Guide and is then considered to be consistent with RECD Environmental policies.

XXVII Environmental Determinations

The following recommendations shall be completed and the environmental reviewer shall sign the assessment in the space provided below.

- a. Based on an examination and review of the foregoing information and such supplemental information attached hereto, I recommend that the approving official determine that this project:

- ☐ will have a significant effect on the quality of the human environment and an Environmental Impact Statement must be prepared;
- ☒ will not have a significant effect on the quality of the human environment,
- ☐ will require further analysis through completion of the assessment format for a Class II action.

- b. I recommend that the approving official make the following compliance determinations for the below listed environmental requirements.

Not In
Compliance

In
Compliance

- | | | |
|--------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Clean Air Act |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Federal Water Pollution Control Act |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Safe Drinking Water Act-Section 1424(e) |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Endangered Species Act |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Coastal Barrier Resources Act |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Coastal Zone Management Act-Section 307(c)(1) and (2) |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Wild and Scenic Rivers Act |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | National Historic Preservation Act |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Archeological and Historic Preservation Act |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Highly Erodible Land and Wetland Conservation, Food Security Act |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Executive Order 11988, Floodplain Management |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Executive Order 11990, Protection of Wetlands |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Farmland Protection Policy Act |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Departmental Regulation 9500-3, Land Use Policy |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | State Office Natural Resource Management Guide |

- c. I have reviewed and considered the types and degrees of adverse environmental impacts identified by this assessment. I have also analyzed the proposal for its consistency with FmHA environmental policies, particularly those related to land use, and have considered the potential benefits of the proposal. Based upon a consideration and balancing of these factors, I recommend from an environmental standpoint that the project

☒ be approved ☐ not be approved because of the attached reasons (see Exhibit _____).

Signature of Preparer*

DAVID M. PULLEN

Date

Title District Loan Specialist

Edward L. Eastekhaus
Signature of Concurring Official¹

June 29, 95
Date

Title Chief C&BP

I have reviewed this environmental assessment and supporting documentation. Following are my positions regarding its adequacy and the recommendations reached by the preparer. For any matter in which I do not concur, my reasons are attached as Exhibit _____.

Do not

Concur Concur

- | | |
|--------------------------|--|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> Adequate Assessment |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> Environmental Impact Determination |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> Compliance Determinations |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> Project Recommendation |

Raymond C. Homer Jr.
Signature of State Environmental Coordinator²

June 29, 95
Date

¹See Section 1940.316 for both the instances when a concurring official must sign the assessment and who is authorized to sign as the concurring official.

²See Section 1940.316 for instances when State Environmental Coordinator's review is required.

APPENDIX B

AGENCY CONSULTATION AND CORRESPONDENCE

Contact List for the Pemiscot County Port Project

Federal

United States Department of the Interior,
Fish & Wildlife Service

Environmental Protection Agency, Region VII
Office of External Programs

Federal Emergency Management Administration

Department of the Army
Memphis District, Corps of Engineers

United States Department of Agriculture
Rural, Economic and Community Development

United States Department of Agriculture
Natural Resources Conservation Service

National Park Service
Midwest Region

State

State of Missouri
Office of Administration

Missouri Department of Transportation

Missouri Department of Economic Development
Division of Motor Carrier and Railroad Safety

Missouri Department of Transportation
District 10

Missouri Department of Natural Resources
Historic Preservation Program

Missouri Department of Natural Resources
Water Pollution Control Program

Missouri Department of Conservation

Regional

St. Francis Levee District of Missouri

Pemiscot County Commission

Bootheel Regional Planning Commission

City of Hayti

City of Caruthersville

Burlington Northern Santa Fe Railroad

Mid Continent Airport



Bob Holden
Governor

DIVISION OF MOTOR CARRIER AND RAILROAD SAFETY

Joseph L. Driskill
Director

P.O. Box 1216
Jefferson City, Missouri 65102-1216
573-751-7100
573-526-3651 FAX
July 10, 2002

Stephen R. Waters
Director

ENVIRONMENT DOCUMENT

Surface Transportation Board
Public Affairs Management
Attn: Chris Caperton
1925 K Street, NW
Suite 450 A
Washington, D.C. 20006

Re: Finance Docket No. 34117: Pemiscot County Port Authority, Construction of a Line of Railroad in Pemiscot County, Missouri; Request for Human and Natural Resources Information

Dear Mr/Ms. Caperton:

I am responding to a letter from David C. Navecky of your agency, requesting information pertinent to the construction of this railroad line in Pemiscot County, Missouri.

Our agency has jurisdiction over the construction, modification or removal of public highway-rail crossings in Missouri. We also regulate railroad activities including operating practices, track safety, site obstructions at crossings, employee health and safety, and crossing surface ride quality. Construction, modification or removal of rail-highway crossings may be conducted only upon receipt of an order of authorization from this Division. On or about July 12, 2002, this Division will merge into the Missouri Department of Transportation. Railroad crossing cases should be coordinated with the Missouri Department of Transportation, Multimodal Operations Railroad and Waterways Unit, P.O. Box 270, Jefferson City, MO 65102.

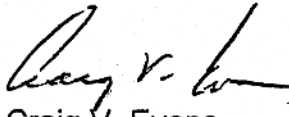
Because the proposed railroad line is being connected to an interstate Class I carrier (BNSF), the operating authority should also notify the Federal Railroad Administration (FRA) of their planned activity. Being a new carrier in Missouri, the Port Authority should also provide to us the correct legal name of the operating railroad, any parent or subsidiary companies, incorporation numbers, addresses, corporate officials, and registered agent. We also need the name of any legal counsel the railroad routinely will retain to handle disputes with our agency. This information should be provided to our legal section. The address is Missouri Department of Transportation, Chief Counsel's Office, 105 W. Capitol Ave., P.O. 270, Jefferson City, MO 65102

Mr. Chris Caperton
July 10, 2002
page 2

Ongoing issues or advice relating to railroad construction and maintenance should be addressed to Jan Skouby, Railroad Safety Section, Multimodal Operations Railroad and Waterways Unit, Department of Transportation, P.O. Box 1216, Jefferson City, MO 65102.

If we can be of further assistance, please advise.

Sincerely,

A handwritten signature in black ink, appearing to read "Craig V. Evans", with a stylized flourish at the end.

Craig V. Evans
Legal Administrator

Missouri
Department
of Transportation



Henry Hungerbeeler, Director

105 West Capitol Avenue
P.O. Box 270
Jefferson City, MO 65102
(573) 751-2551
Fax (573) 751-6555
www.modot.state.mo.us

July 11, 2002

**ENVIRONMENTAL
DOCUMENT**

Chris Caperton
Public Affairs Management
Surface Transportation Board
1925 K Street, NW
Suite 450A
Washington, DC 20006

Re: Finance Docket No. 34117: Pemiscot County Port Authority, Construction of a Line of Railroad in Pemiscot County, Missouri; Request for Human and Natural Resources Information

Dear Mr. Caperton:

I am responding to a letter from David Navecky of your agency, requesting information regarding the construction of a railroad line in Pemiscot County from the BNSF mainline to the county port authority facility.

The Missouri Department of Transportation (MoDOT) has administered funds through our Port Capital Improvement Program to the Pemiscot County Port Authority for the construction of this railroad line. In state fiscal year 1998, the project received a state appropriation in the amount of \$500,000 to match a Federal Local Rail Freight Assistance grant in the amount of \$494,295. These funds, along with approximately \$100,000 in local funds, provided rehabilitation of the first 8,000 linear feet (LF) of track. In state fiscal year 1999, the project received Port Capital Improvement Program funds in the amount of \$500,000, which was combined with local funds and the USDA Rural Development grant to rehabilitate another 3,900 LF of track and replace a trestle. In state fiscal year 2000, the port received Port Capital Improvement Program funds in the amount of \$120,000 to acquire right-of-way and complete engineering for the next phase of construction.

Under separate cover, the Missouri Department of Economic Development, Division of Motor Carrier and Railroad Safety has provided comments. This division will become part of MoDOT around July 12, 2002, as a result of state legislation. The Railroad Safety section will be located

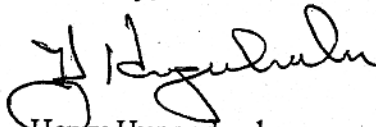
Chris Caperton
July 10, 2002
Page 2

in the Missouri Department of Transportation, Multimodal Operations Railroad and Waterways Unit, P.O. Box 270, Jefferson City, MO 65102.

MoDOT and the Division of Motor Carrier and Railroad Safety have been working with the Pemiscot County Port Authority to address issues relating to any railroad crossings. Inspections at each crossing have been conducted, and recommendations have been provided to the Port Authority. We look forward to working with the Port Authority to implement these safety recommendations.

If we can provide any further information, please feel free to contact Jan Skouby, Administrator of Railroads and Waterways, at 573-751-7476.

Sincerely,

A handwritten signature in dark ink, appearing to read "H. Hungerbeeler", written over the printed name.

Henry Hungerbeeler
Director

HH/ejs/tlr

Missouri
Department
of Transportation



Scott Meyer, District Engineer

Southeast District
2675 North Main Street
P O Box 160
Sikeston, MO 63801
(573) 472-5333
Fax (573) 472-5342
Toll free 1-888 ASK MoDOT
www.modot.state.mo.us

July 23, 2002

Chris Caperton
Public Affairs Management
1925 K Street, NW
Suite 450 A
Washington, DC 20006

ENVIRONMENTAL DOCUMENT

RE. Pemiscot County Port Authority, Construction of a Line of Railroad in Pemiscot County

Dear Mr. Caperton,

With regards to your letter dated June 28, 2002 concerning the construction of a rail system for the Port Authority from Hayti Missouri to the Mississippi river. After looking at the proposed corridor showing rail system crossing Route 84. Our office will require a set of detailed plans and specifications showing the location in which the rail is to cross Route 84. These plans will need to shown alignment, grade, typical sections, pavement thickness, traffic control (a bypass may be required during construction) and warning lights. These plans will have to be approved by the department prior to any construction.

After approval, a permit will be required to cross the commission's Right-of-way along Route 84. An agreement with Missouri Department of Transportation will also have to be executed and recorded detailing each parties responsibility, concerning the maintenance, repair, and conditions for a crossing like this.

If you have any questions concerning this project you can reach me at this office my number is (573) 472- 5387 or Mark Phillips District Traffic Engineer.

Sincerely,

Brian Bard
Senior Traffic Specialist



Established 1967

Bootheel Regional Planning and Economic Development Commission

Kathie Simpkins - Chairman

Tyrone Thompson - Executive Director

P.O. BOX 397

PHONE (573) 276-2242 • FAX (573) 276-6034 • E-MAIL bootrpc@sheltonbbs.com

MALDEN, MO 63863-0397

Chris Caperton
Public Affairs Management
1925 K Street, NW
Suite 450 A
Washington, DC 20006

**ENVIRONMENTAL
DOCUMENT**

RE: Finance Docket No. 34117: Pemiscot County Port Authority, Construction of a Line of Railroad in Pemiscot County, Missouri; Request for Human and Natural Resources Information.

Dear Chris,

In response to your June 28th, 2002 letter, the Bootheel Regional Planning Commission is pleased to recommend the above referenced project for funding.

We feel the extension of the rail line to the Pemiscot County Port at the proposed location is the best connection possible and will have no negative impact on the natural and human environment.

Our Regional Planning Commission is vitally interested in the economic growth of Pemiscot County, which will be enhanced by the project.

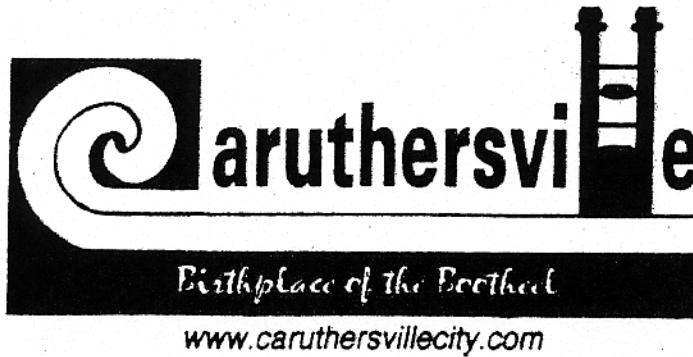
If we can be of further assistance, please let us know.

Sincerely,

Tyrone Thompson
Executive Director

"Be Regionable"

200 West Third St.
P.O. Box 874
Caruthersville, MO 63830



Phone (573) 333-2142
Fax (573) 333-4247
DIANE SAYRE, Mayor

July 24, 2002

ENVIRONMENTAL DOCUMENT

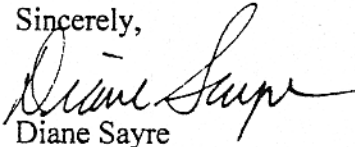
Chris Caperton
Public Affairs Management
1925 K Street, NW
Suite 450 A
Washington, DC 20006

RE: Finance Docket No. 34117: Pemiscot County Port Authority, Construction of a Line of Railroad in Pemiscot County, Missouri; Request for Human and Natural Resources Information

Dear Mr. Caperton:

The City of Caruthersville is aware of the Railroad Line project that the Pemiscot County Port Authority is working on. The proposed project will not impact any human or natural resources within the project area. The project will not be within the City Limits of the City and any permits or approvals will not be required from the City.

Sincerely,


Diane Sayre
Mayor



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

REC'D JUL 1 2002

Section of Environmental Analysis

June 28, 2002

**ENVIRONMENTAL
DOCUMENT**

Mr. Gary D. Frazer, Field Supervisor
United States Department of the Interior
Fish & Wildlife Service
Columbia Field Office
608 East Cherry Street
Columbia, MO 65201

Finance Docket No. 34117: Pemiscot County Port Authority, Construction of a Line of Railroad in Pemiscot County, Missouri; Request for Human and Natural Resources Information

Dear Mr. Frazer:

The Pemiscot County Port Authority has requested authorization from the Surface Transportation Board to construct and operate a rail line in Pemiscot County, Missouri. Public Affairs Management will serve as the third-party consultant to the Surface Transportation Board, Section of Environmental Analysis (SEA) during the preparation of an environmental assessment to determine the potential impacts of constructing and operating the proposed rail line. The environmental assessment is an integral part of the Surface Transportation Board's approval process. The purpose of this letter is to request information on the human and natural resources within the project area which could potentially be impacted by this project, as well as any permits and approvals required for project construction.

The project proposed by the Pemiscot County Port Authority involves the construction and operation of a rail line connecting the Burlington Northern and Santa Fe Railway (BNSF) in Hayti, Missouri with the Pemiscot County Port, located on the Mississippi River near Caruthersville, Missouri (see attached map). The proposed project involves the construction of nearly 5 miles of rail. Approximately half of the line would be reconstructed on an abandoned railroad right-of-way formerly owned by the predecessor to the BNSF. The remainder of the line would be constructed on new right-of-way to be acquired by the Port Authority.

The Port Authority sought and obtained project funding from the U.S. Department of Agriculture's Rural Economic and Community Development (RECD) office in 1995 and began construction of the line in 1997 without realizing that it needed approval by the Surface Transportation Board. Approximately 2 miles of rail construction on the abandoned right-of-way was completed through the City of Hayti, Missouri before construction was suspended. Prior to construction, the Port Authority and the RECD contacted Federal and state agencies with potential

jurisdiction over or interest in the project. SEA is now re-initiating the request for agency input as part of its environmental review process.

The Port Authority chose the proposed route from four alternative routes identified in a 1996 corridor study of the project area. The three routes eliminated from consideration each had various traffic, airport, and cost constraints. No substantive environmental analysis of these alternative routes was conducted. The Port Authority believes that the proposed route offers the best means of achieving the connection to the port facility. Input from your agency will assist SEA in determining the impacts, if any, the proposed route may have on the natural and human environment.

We have included a list of the Federal, state and local agencies receiving this letter. If there are other agencies or organizations you believe we should contact, please let us know. We have also enclosed a copy of the U.S.G.S. 7.5-minute quadrangle map showing the location of the proposed project. Please contact us if additional map coverage is required.

At this time, I would like to request any information you could provide relating to resources or activities for which your agency has interest or jurisdiction. We would also request your response by July 31, 2002 in order to conduct any necessary follow-up activities, and incorporate your response into the scope of study as appropriate. Please send your comments to

Chris Caperton
Public Affairs Management
1925 K Street, NW
Suite 450 A
Washington, DC 20006

After the environmental documentation has been prepared it will be made available for public review. The Board will then consider the EA, the public comments, and any post-environmental assessment recommendation proposed by SEA before making its final decision in this proceeding. Should the process disclose unanticipated impacts that are significant, the preparation of an environmental impact statement would be required. If you have any questions, please do not hesitate to contact me at (202) 565-1593 or Chris Caperton, Public Affairs Management, at (202) 955-1430, extension 211.

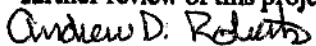
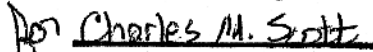
Sincerely,



David C. Navecky
Environmental Protection Specialist

Enclosures

The U.S. Fish and Wildlife Service has reviewed the subject project proposal and determined that no federally listed species or designated critical habitat occurs within the project area; consequently, this concludes Section 7 consultation and no further review of this project is necessary.



Field Supervisor

8-6-02
Date

EMERGENCY MANAGEMENT AGENCY



DEPARTMENT OF PUBLIC SAFETY
OFFICE OF THE ADJUTANT GENERAL

PO Box 116, Jefferson City, Missouri 65102
Phone: 573/526-9100 Fax: 573/634-7966
E-mail: mosema@mail.state.mo.us



August 7, 2002

ENVIRONMENTAL DOCUMENT

Mr. Chris Caperton
Public Affairs Management
1925 K Street, NW
Suite 450 A
Washington, D.C. 20006

Re: Finance Docket No. 34117: Pemiscot County Port Authority, Construction of a Line of Railroad in Pemiscot County, Missouri, Request of Human and Natural Resources Information.

Dear Mr. Caperton:

We very much appreciate the opportunity to provide the information requested in the letter dated June 28, 2002.

This office does not have any information on the human and natural resources within the project area which could be impacted by the proposed project.

The City of Caruthersville and Pemiscot County are participants in the National Flood Insurance Program (NFIP). Any development associated with this project if located within a special flood hazard area (SFHA), as identified by the Federal Emergency Management Agency (FEMA), must meet the requirements of the City of Caruthersville's and Pemiscot County's floodplain ordinance. This would require obtaining a floodplain development permit for the proposed project. This permit must be obtained prior to the commencement of any construction/development activities.

If the proposed development is also located within regulatory floodway, a "No-Rise" Certificate and statement as to the effects of possible flooding, is required before the development can be permitted. This analysis must be performed by a licensed engineer and to current FEMA standards.

I hope you find this information helpful. Should you have any additional questions, please contact George Riedel, Floodplain Manager at (573) 526-9141.

Sincerely,

Handwritten signature of Jerry B. Uhlmann in cursive script.
Jerry B. Uhlmann
Director



MISSOURI DEPARTMENT OF CONSERVATION

Headquarters

2901 West Truman Boulevard P.O. Box 180 Jefferson City, Missouri 65112-0180
Telephone: 573-751-4115 ▲ Missouri Relay Center 1-800-735-2966 (TDD)

JOHN D. HOSKINS, Director

August 7, 2002

ENVIRONMENTAL DOCUMENT

Mr. Chris Caperton
Public Affairs Management
1925 K Street, NW
Suite 450 A
Washington, DC 20006

Dear Mr. Caperton:

Re: Construction of a Line of Railroad, Pemiscot County, Missouri
Finance Docket No. 34117

We are in receipt of Mr. David C. Navecky's letter of June 28, 2002, regarding species of conservation concern within the proposed project area.

A review of our records shows that sensitive species or communities are not known to exist on or near the above referenced site. This reflects information we currently have in our database. Please be advised this is **not a site clearance letter**. Rather, this letter provides an indication of whether or not public lands and sensitive resources are known to be (or are likely to be) located close to the proposed project.

Incorporating information from our Heritage Database into project plans is an important step that can help reduce unnecessary impacts to Missouri's sensitive natural resources. However, the Heritage Database is only one reference that should be used to evaluate potential adverse impacts. Other types of information, such as wetland and soils maps and on-site inspections or surveys, should be considered. Reviewing current landscape and habitat information and species biological characteristics would additionally ensure that species of conservation concern are appropriately identified and addressed.

Thank you for the opportunity to review and comment.

Sincerely,


GENE GARDNER
POLICY GARDNER

GG:dcl

COMMISSION

STEPHEN C. BRADFORD
Cape Girardeau

ANITA B. GORMAN
Kansas City

CYNTHIA METCALFE
St. Louis

HOWARD E. WOOD
Bonne Terre

STATE OF MISSOURI
DEPARTMENT OF NATURAL RESOURCES

Bob Holden, Governor • Stephen M. Mahfood, Director

www.dnr.state.mo.us

AUG 14 2002

Mr. David C. Navecky
Environmental Protection Specialist
Surface Transportation Board
Washington, D.C. 20423

RE: Finance Docket No. 34117, Railroad Construction, Pemiscot County, Missouri

Dear Mr. Navecky:

This office has reviewed your letter of August 5, 2002. From our review of the project sketch, it appears that there may be at least three areas of concern with this project. Those three areas are:

- 1) Stream Crossings
- 2) Wetland Impacts, and
- 3) Land disturbance

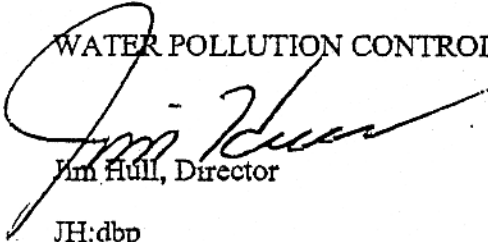
Areas #1 and #2 are both involved in the shared area of responsibility between the Federal (Corps of Engineers) and the state (Missouri Department of Natural Resources). The Corps of Engineers must permit activities involved in waters of federal jurisdiction (404 permit). The state must issue water quality certification for the 404 permit to be valid.

Area #3 refers to the Missouri Department of Natural Resources' requirements that any land disturbance of over one acre requires a permit from Missouri Department of Natural Resources. This applies to all land disturbance unless exempt (largely agriculture) when more than one acre of surface is graded, grubbed or exposed as may routinely occur during your rail line construction.

We must assume that the response deadline in your letter was in error as the deadline given predates the letter itself by several days. In any case, if we can be of further assistance regarding the project, be sure to call Mr. Don Boos of my staff at (573) 751-1404, e-mail at nrboosd@dnr.state.mo.us, or by mail at Missouri Department of Natural Resources, Water Pollution Control Program, P.O. Box 176, Jefferson City, MO 65102-0176.

Sincerely,

WATER POLLUTION CONTROL PROGRAM


Jim Hull, Director

JH:dbp

c: Dick Mochow, Army Corps of Engineers, Memphis District
Gary Gaines, Director, Department of Natural Resources, Southeast Regional Office
Jason Daniels, U.S. Environmental Protection Agency, Region 7

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DEPARTMENT OF THE ARMY
MEMPHIS DISTRICT, CORPS OF ENGINEERS
167 NORTH MAIN STREET B-202
MEMPHIS, TENNESSEE 38103-1894

August 21, 2002

REPLY TO
ATTENTION OF:

Regulatory Branch

Chris Caperton
Public Affairs Management
1925 K Street, NW
Suite 450 A
Washington, DC 20006

ENVIRONMENTAL DOCUMENT

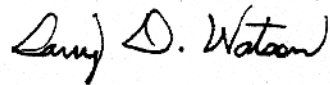
Dear Ms. Caperton:

This is in response to your letter dated June 28, 2002, titled "Finance Docket No. 34117: Pemiscot County Port Authority, Construction of a Line of Railroad in Pemiscot County, Missouri; Request for Human and Natural Resources Information" in which you requested input regarding the Port Authority's proposal. The Port Authority contacted the Memphis District; Corps of Engineers regarding Department of the Army Section 404 permit requirements for a five-mile rail spur from Hayti, in Pemiscot County, Missouri to their port facility on the Mississippi River. The Corps of Engineers permit authority is limited to the disposal of dredged and fill material in waters of the U.S., including adjacent wetlands and to impacts to navigation on navigable waters of the U.S. It was determined that the only need for a Corps of Engineers permit involved deposition of riprap fill for bank protection for a bridge across a small stream ditch. Due to the minor nature of the project, an environmental assessment was not deemed necessary and a Nationwide No. 3 permit was issued to the Port for the replacement of an old trestle bridge.

I have enclosed your list of recipients with an address correction and an additional Missouri State agency who should be contacted. This information was provided several weeks ago in a telephone conversation.

If you have questions, contact Dick Mochow at (901) 544-0732, and refer to File No. 200200588.

Sincerely,

A handwritten signature in black ink, reading "Larry D. Watson". The signature is written in a cursive style with a large, stylized "L" and "W".

Larry D. Watson
Chief
Regulatory Branch

Enclosures

STATE OF MISSOURI
DEPARTMENT OF NATURAL RESOURCES

Bois Holden, Governor • Stephen M. Mahood, Director

**ENVIRONMENTAL
DOCUMENT**

16 July 2002

Chris Caperton
Public Affairs Management
1925 K Street, NW
Suite 450 A
Washington, DC 20006

Re: Docket No. 34117 (STB) Pemiscot County, Missouri

Dear Mr. Caperton:

Thank you for submitting information on the above referenced project for our review pursuant to Section 106 of the National Historic Preservation Act (P.L. 89-665, as amended) and the Advisory Council on Historic Preservation's regulation 36 CFR Part 800, which require identification and evaluation of cultural resources.

We have reviewed the information provided concerning the above referenced project. We have determined that due to the moderate to high potential for the presence of archaeological sites near and within the area of the proposed project, as indicated by the presence of known sites on similar topographic locations in the vicinity, an archaeological survey should be conducted within the new right-of-way. This survey should be completed prior to the initiation of project-related construction activities.

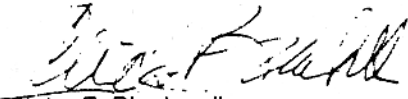
A list of independent archaeological consultants who can perform such services is available through the Department of Natural Resources, General Services Program. The list can be obtained by calling Cindy Westhoff at (573) 522-5492 and requesting the "archaeological consultants list." Note that any 36 CFR Part 61 qualified archaeologist may perform an archaeological survey. If you choose a consultants not on the list, please be certain to include his or her curriculum vitae in the report.

We would appreciate two (2) copies of the archaeological report when it is finished so we may complete the review and comment process.

If you have any questions, please write Judith Deel at State Historic Preservation Office, P.O. Box 176, Jefferson City, Missouri 65102 or call 573/751-7862. Please be sure to include the SHPO Log Number (013-PM-02) on all future correspondence or inquiries relating to this project.

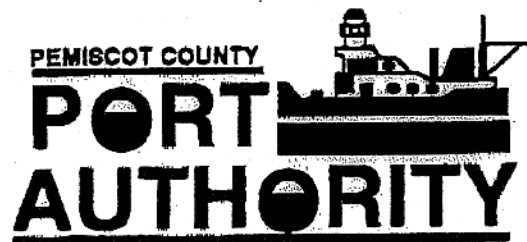
Sincerely,

STATE HISTORIC PRESERVATION OFFICE


Claire F. Blackwell
Director and Deputy
State Historic Preservation Officer

CFB:jd

c Harold McNulty, STB



September 23, 2002

COPY

State Historic Preservation Office
Attn: Ms. Judith Deel
100 East High Street
Jefferson City, MO 65101

Dear Ms. Deel:

This letter accompanies the transmittal of materials requested by you in conjunction with the proposed construction of our rail spur from the BNSF mainline in Hayti to our industrial park on the bank of the Mississippi River near Caruthersville. The several types of documents that you requested are addressed below.

Two sets of Grading and Sub-ballast plans are enclosed, one showing design from the end of current construction to Highway D/County Road 337, and the other showing design from there across the mainline levee. Plans for placement of Ballast, Ties, and Rail were not included, as these operations involve no further soil disturbance. I would like to have the enclosed engineering plans returned, either via USPS, or to me when I come to Jefferson City next month.

I. Plans for Crossing Drainage Ditch 6

Details for crossing Ditch 6 at Station 267+50 are shown on the **enclosed** engineering plans. A map and a letter from Pemiscot County Engineer John Chittenden of Waters & Associates regarding the ditch crossing plans is **attached**.

II. Plans for Crossing Mainline Levee

Details for crossing mainline levee are shown on **enclosed** engineering plans from Station 345+00 to 358+00. I reiterate that we plan to add material to the levee without penetrating its current surface.

III. Detailed Maps of New Construction

Enclosed (as noted above).

IV. Cultural Resources Part of Environmental Assessment of 1995

Some sections of the EA completed in 1995 are **enclosed**, including a Cultural Resource Assessment Section 106 Review, signed by Claire F. Blackwell, and stating that a cultural resource survey was not warranted.

V. Source of Off-site Fill Material

Because the portion of the rail construction project which crosses the levee is only in the design stage, the location of local fill material has not been identified. Knowledgeable MODOT District 10 personnel stated that current projects requiring fill utilize "contractor furnished borrow" material, for which the contractor must certify that all clearances have been obtained.

VI. Photographs of Structures along the Rail Spur through Hayti

These are on an **enclosed** diskette, in JPEG format, as follows:

1. MFA Warehouse and shed near 2nd & Jackson
2. House at 200 Grant
3. Hayti water plant (1921) between 2nd & 3rd (used for storage)
4. Hayti water plant (same) and treatment facility on 3rd
5. Camper shed at 303 N 4th
6. Hayti fire station (under construction) on Hwy 84 (Washington)
7. New mobile home at 6th & Broadway
8. Triple box culvert over Main Ditch 6

I have provided a copy of this cover sheet to other interested parties. Please acknowledge receipt of these documents, let me know if you require more information, and advise me of your anticipated timetable for their review. Surface Transportation Board approval awaits the completion of your review.

Sincerely,



David P. Madison
Executive Director

Attachments (2)

Enclosures (4)

Cc: Chris Caperton, Public Affairs Management
✓ John Heffner, Attorney at Law
✓ Denny Merideth III, State Representative

STATE OF MISSOURI Bob Holden, Governor • Stephen M. Mahfood, Director
DEPARTMENT OF NATURAL RESOURCES

www.dnr.state.mo.us

10 October 2002

David P. Madison, Executive Director
Pemiscot County Port Authority
619 Ward Avenue
Caruthersville, Missouri 63830

Re: Burlington Northern Santa Fe Railroad Expansion Docket No. 34117 (STB) Pemiscot County,
Missouri

Dear Mr. Madison:

Thank you for submitting information about the above referenced project for our review pursuant to Section 106 of the National Historic Preservation Act (P.L. 89-665) and the Advisory Council on Historic Preservation's regulation 36 CFR Part 800, which require identification and evaluation of cultural resources.

We have reviewed the additional information provided concerning the above referenced project. We have determined that the 1921 Hayti Water Plant, Ditch No. 6 and the Main Line Levee are eligible for inclusion in the National Register of Historic Places. We have also determined that the proposed construction of rail line will have "no adverse effect" on the historic fabric of these properties with the following conditions:

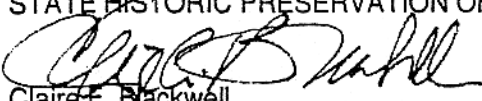
- 35 mm black and white photographs shall be taken of Ditch No. 6 and the Main Line Levee project areas before construction and after completion of the project. Photographs shall be 8" x 10", printed on archivally stable paper, and shall be submitted to the SHPO with a complete set of negatives.
- A brief history of Ditch No. 6 and the Drainage District shall be prepared and submitted to the SHPO with the photographs.

The proposed new right-of-way crosses areas of high potential for the occurrence of archaeological sites, as stated in our letter dated 16 July 2002 to Chris Caperton. An archaeological survey should be conducted, with the results submitted to this office so we may complete the review and comment process to assess possible effects on National Register eligible archaeological sites.

If you have any questions, please write Judith Deel at State Historic Preservation Office, P.O. Box 176, Jefferson City, Missouri 65102 or call 573/751-7862. Please be sure to include the SHPO Log Number (013-PM-02) on all future correspondence or inquiries relating to this project.

Sincerely,

STATE HISTORIC PRESERVATION OFFICE


Claire F. Blackwell
Director and Deputy State
Historic Preservation Officer

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c Chris Caperton, STB



Bob Holden, Governor • Stephen M. Mahfood, Director

DEPARTMENT OF NATURAL RESOURCES

www.dnr.state.mo.us

January 17, 2003

Chris Caperton
Senior Project Manager
Public Affairs Management
1925 Northwest K Street, Suite 450A
Washington, D.C. 20006

Re: Burlington Northern Santa Fe Railroad Expansion Docket No. 34117 (STB) Pemiscot County, Missouri

Dear Mr. Caperton:

Thank you for submitting information about the above referenced project for our review pursuant to Section 106 of the National Historic Preservation Act (P.L. 89-665) and the Advisory Council on Historic Preservation's regulation 36 CFR Part 800, which require identification and evaluation of cultural resources.

We have reviewed the draft report entitled *Phase I Archaeological Survey and Geoarchaeological Investigation of a Proposed 11,750 Foot Long, 60 Foot Wide Rail Line Construction Alignment, Pemiscot County, Missouri* by Steve Titus, American Resources Group, Ltd. We concur with the investigator's determination that no historic or prehistoric archaeological sites are located within the corridor for this project.

The black and white photographs of Ditch No. 6 and the Main Line Levee project areas before construction are adequate. Photographs of the same views will also need to be taken after completion of the project. All photographs shall be 8" x 10", printed on archivally stable paper, and shall be submitted to the SHPO with a complete set of negatives. The brief history of Ditch No. 6 and the Drainage District are acceptable, except that maps should be included showing the boundaries of the Little River Drainage District, and of the Drainage District N. 6.

If you have any questions, please write Judith Deel at State Historic Preservation Office, P.O. Box 176, Jefferson City, Missouri 65102 or call 573/751-7862. Please be sure to include the SHPO Log Number (013-PM-02) on all future correspondence or inquiries relating to this project.

Sincerely,

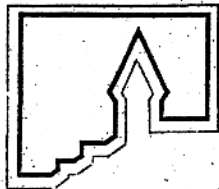
STATE HISTORIC PRESERVATION OFFICE

LaVerne Brondel
Deputy State Historic Preservation Officer

LB:jd

c David Madison, Pemiscot Co. Port Authority
Steve Titus, ARG

Integrity and excellence in all we do



AMERICAN
RESOURCES
GROUP, LTD.

127 North Washington Street
Carbondale, Illinois 62901
Phone: 618/529-2741
Fax: 618/457-5070
email: archaeology@argltd.com

February 5, 2003

Judith Deel
State Historic Preservation Office
Missouri Department of Natural Resources
PO Box 176
Jefferson City, MO 65102-0176

Re: Phase I Archaeological Survey of the Proposed Pemiscot County Port Authority Rail Line Project, Pemiscot County, Missouri. HPP 106 Project #013-PM-02. ARG CRM #1242.

Dear Ms. Deel:

Enclosed please find two copies of the final report for the above referenced project. A map has been added showing the Little River Drainage District and Pemiscot County Drainage District No. 6 per your request. If you have any questions or need additional information, please let us know. Thank you.

Sincerely,

Mike McNerney

Mike McNerney

Enclosures

cl

Copy: Chris Caperton, Public Affairs Management

STATE OF MISSOURI Bob Holden, Governor • Stephen M. Mahfoud, Director
DEPARTMENT OF NATURAL RESOURCES

www.dnr.state.mo.us

FEB 14 2003

Mike McNerney
American Resources Group, Ltd.
127 North Washington Street
Carbondale, Illinois 62901

Re: Phase I Survey, Pemiscot County Port Authority (STB) Pemiscot County, Missouri

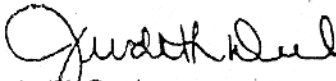
Dear Mr. McNerney:

Thank you for the two copies of the final report entitled *Phase I Survey of the Proposed Pemiscot County Port Authority Rail Line Project, Pemiscot County, Missouri*. One copy of the final report will be processed into the State Historic Preservation Office Inventory and Library, and one copy will be archived, in keeping with our draft records management policy.

If you have any questions, please call 573/751-7862 or write the State Historic Preservation Office, P.O. Box 176, Jefferson City, Missouri 65102. Please be sure to include the SHPO Log Number (013PM02) on all future correspondence or inquiries relating to this project.

Sincerely,

STATE HISTORIC PRESERVATION OFFICE



Judith Deel
Archaeologist

Integrity and excellence in all we do

